

## Serreze, Susan

**From:** Rampe, John  
**Sent:** Friday, November 02, 2001 9:57 AM  
**To:** Legare, Joe; Tyler, Reginald; Castaneda, Norma; DiSalvo, Richard; Shelton, Dave; Butler, Lane; Norland, Lee; Serreze, Susan  
**Subject:** Notes from yesterday's ER RSOP meeting

I thought I'd take the liberty to share with you my notes from the ER-RSOP meeting yesterday with CDPHE and EPA. Attending for the regulators were Steve Gunderson, Steve Tarlton, and Carl Spreng from CDPHE and Tim Rehder and Gary Kleeman from EPA. Attending for the site were Joe Legare, Reg Tyler, Norma Castaneda, Dave Shelton, Lane Butler, Lee Norland, Susan Serreze and myself. The three main topics of discussion were notification and approvals for individual projects, how the OPWL will be handled, and the treatment of stewardship in the ER RSOP.

Regarding project notification and approval, there was a great deal of discussion regarding how much information would be available in the project notification, and what regulatory controls would be available to EPA and CDPHE after the RSOP was approved. Gary Kleeman expressed concern that EPA would not have a great deal of characterization data available to them before the projects started, and Steve Tarlton wanted some regulatory control over when the project would finish. Lane Butler distributed a brief table of contents for the project notification letter, which in itself addressed many of the concerns expressed by the regulators. Tim Rehder said agreement on the interim remediation goals contained in the notification letter should go a long way towards avoiding disputes, and it was suggested that project assumptions also be added to the notification. Tim went on to say that the amount of information proposed to be contained in the notification was similar to a streamlined PAM and that some uncertainty was unavoidable when approaching an ER project. The issue was resolved by agreement to the following:

- the notification format would be placed in the RSOP, and the notification would additionally include project assumptions and project-specific monitoring (if any);
- before remediation on a given project was complete, the RSOP would include a step where regulatory concurrence that the project was finished would be granted (this concurrence will need to be granted in a matter of hours in most cases);
- the regulators would give us their approval/disapproval of projects in a 14-day timeframe, would approve/disapprove individual projects in their entirety (a line-item veto), and would provide their reasons for project disapproval (attorneys from all parties are expected to meet Monday to work out the specific language for the approval/disapproval part);
- we will attempt to coordinate submittal of project notifications with the submittal of the yearly SAP addendum, as well as provide advance briefings to ensure that the regulators can adequately respond to our project notifications.

Regarding the OPWLs and their inclusion in the ER RSOP, the parties reached the following agreement in short order:

- in cases where OPWL remediation is part of an overall IHSS action (such as for UBC's), and when the action is removal, the OPWL remediation is covered under this RSOP;
  - in cases where the site wants to remove a discrete section of the OPWL (such as known leaks), the regulators will be so notified, and this removal is covered under the RSOP (Steve Gunderson remarked that this approach might be used to remove all of the OPWLs);
  - in the case of a comprehensive approach to OPWL remediation that would include foaming or other remedial measures, this would require a separate decision document such as an IM/IRA (Lane noted that this would not include foaming to seal off the ends of a line after a removal action, however).
- The RSOP will be modified to include this clarification.

Finally, the group discussed stewardship and its treatment in the RSOP. Steve Tarlton expressed his dual concerns that the site had not given the regulators an enforceable stewardship plan in writing, and that information regarding residual contamination would not be preserved when the final site ROD was written. Steve Gunderson also expressed his concern about the latter point. A number of people, however, said that including a stewardship plan was beyond the scope of this project document. Tim Rehder remarked that numerous cleanup decisions had and were being made (including the RSAL determination) without having a final stewardship plan for the site. To help resolve the stewardship issue, the parties agreed to the following:

- the closeout report for each project will include a stewardship analysis of the impacts of any residual contamination, including recommendations for any needed institutional or engineered controls, monitoring, etc.;
- the site will produce a yearly comprehensive analysis of the stewardship implications of all ER RSOP actions taken to date; and,

- these analyses will be captured in the site RI/FS, and ultimately will be part of the site ROD, as appropriate. The RSOP will be modified accordingly. Also, the site needs to re-read Steve Tarlton's stewardship comments to see if any additional response is needed.

That's the extent of my notes; I welcome any comments, corrections or additions.

Thanks.

JR

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